

85th Legislative Session – 2010

Committee: Senate Education

Thursday, January 28, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Gray
P Jerstad
P Knudson, Vice-Chair
P Nesselhuf
P Olson (Russell)
P Peterson
P Garnos, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Garnos.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, JANUARY 19, 2010

Moved by: Olson (Russell)
Second by: Nesselhuf
Action: Prevailed by voice vote.

HB 1020: authorize the transfer of certain special education funds to other funds under certain conditions and to declare an emergency.

Presented by: Tammy Darnall, Department of Education
Proponents: Dick Tieszen, SD Associated School Boards
Robert J. Kean, SD Advocacy Services (Handouts: Document #1)
Tom Oster, Secretary Department of Education
Jim Hutmacher, SD Coalition of Schools
Dennis Champ, SD School Administrators

MOTION: DO PASS HB 1020

Moved by: Knudson
Second by: Olson (Russell)
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gray, Jerstad, Knudson, Nesselhuf, Olson (Russell), Peterson, Garnos

SJR 1: Proposing a constitutional amendment to revise the authority of the Board of Regents.

Presented by: Senator Al Novstrup

MOTION: DEFER SJR 1 TO THE 41ST LEGISLATIVE DAY

Moved by: Jerstad
Second by: Gray
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gray, Jerstad, Knudson, Nesselhuf, Olson (Russell), Peterson, Garnos

SB 63: authorize the establishment of charter schools.

Presented by: Tom Oster, Secretary Department of Education
Proponents: Keith Moore, USD
Stacy Phelps, Mid-Central Ed Coop, Platte
Tom Katus, Self, Rapid City
Dan Guericke, ESA3
Sandy Arseneault, SD Education Assoc.

MOTION: AMEND SB 63

63ca

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. If the Department of Education receives a federal grant under the American Recovery and Reinvestment Act of 2009, Division A, Section 14006, Pub. L. No. 111-5 as amended to January 1, 2010, the department shall initiate a pilot charter school primarily for American Indian students from federally recognized tribes that is infused with cultural activities. The curriculum of the school shall emphasize science, technology, engineering, and mathematics as well as American Indian culture.

Section 2. Any entity seeking to establish the pilot charter school shall submit a written plan to the South Dakota Board of Education. The written plan shall include the following:

- (1) A detailed business plan for the private charter school;
- (2) A mission statement for the school;
- (3) A description of the school's organizational structure that shall include an advisory council of no less than five, but no more than nine members;
- (4) A financial plan for the first three years of operation of the school;
- (5) A description of the school's location and facilities;
- (6) A description of the grade levels that will be served;
- (7) An assurance that state content standards will be addressed;
- (8) An assurance that federal and state academic accountability measures will be met; and
- (9) An outline of the criteria that will be used to measure the effectiveness of the school.

The Board of Education may request revisions to any written plan submitted and may approve any plan that meets the requirements in this section.

Section 3. Any pilot charter school established pursuant to this Act shall be public, nonsectarian, nonreligious, nonhome based, and nonprofit.

Section 4. American Indian students from federally recognized tribes shall be given enrollment priority at the pilot charter school. In its first year of operation, the school may enroll students on either a first-come, first-served basis, or through a lottery selection process if the total number of applicants exceeds the number of spaces available at the school. In subsequent years of its operation, the school shall give preference to:

- (1) Students who have been admitted to the pilot charter school through the approved admission process, and remain in attendance through subsequent grades; and
- (2) Siblings of students already admitted to or attending the pilot charter school.

Section 5. Any pilot charter school established pursuant to this Act shall exist as an independent local education agency. All students enrolled in the pilot charter school shall be counted for the purposes of determining adequate yearly progress under the terms of the state accountability system

established pursuant to § 13-3-69.

For the purposes of calculating state aid to general education distributed pursuant to chapter 13-13, South Dakota students enrolled in the school shall be counted in the pilot charter school's fall enrollment, and the state's financial obligation may not exceed the amounts set forth in chapter 13-13.

For the purposes of calculating state aid to special education distributed pursuant to chapter 13-37, any student in need of special education or special education and related services enrolled in the pilot charter school shall remain the financial responsibility of the student's resident school district.

Section 6. No pilot charter school established pursuant to this Act may generate or request local property tax revenue from the school district in which the school resides. Any expenditures of the pilot charter school that result in the acquisition or lease of or additions to real property, plant, or equipment that would, in a school district, be paid from the school district's capital outlay fund set forth in § 13-16-6, are the financial responsibility of the entity establishing the pilot charter school.

Section 7. The charter of the pilot charter school shall:

- (1) Document compliance with federal, state, and local rules, regulations, and statutes relating to health, safety, civil rights, and insurance;
- (2) Assure that the pilot charter school is nonsectarian in its programs, admissions policies, employment practices, and all other operations;
- (3) Assure that the pilot charter school provides a comprehensive program of instruction for grades nine through twelve and two years of postsecondary education;
- (4) Assure that the pilot charter school meets all state laws and state administrative rules relating to schools, governing boards, and school districts;
- (5) Assure cooperation with the Department of Education or the auditor general in any financial, program, or compliance audits conducted in addition to those required pursuant to § 4-11-7.1; and
- (6) Document compliance with all federal and state laws relating to the education of children with disabilities in the same manner as a school district.

The charter of any pilot charter school established pursuant to this Act is effective for five years and may be amended at the request of the advisory council if the amendments are approved by the South Dakota Board of Education. A plan for renewal of the pilot charter school must be made to the Board of Education every five years.

Section 8. Any pilot charter school organized pursuant to this Act is eligible to apply for and receive federal grant funding.

Section 9. Any pilot charter school organized pursuant to this Act shall participate in the state retirement system established in chapter 3-12. The school may be exempt from continuing contract laws set forth in chapter 13-43, and its employee contracts may be collectively bargained.

Section 10. If a student previously enrolled in a pilot charter school enrolls in a public school in the state, the public school shall accept credits earned by the students in courses or instructional programs at the pilot charter school in a uniform and consistent manner, and according to the same criteria used to accept academic credits from other public schools."

Moved by: Gray
Second by: Jerstad
Action: Prevailed by voice vote.

MOTION: DO PASS SB 63 AS AMENDED

Moved by: Jerstad
Second by: Gray
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Gray, Jerstad, Knudson, Olson (Russell), Peterson, Garnos

Excused: Nesselhuf

MOTION: AMEND TITLE OF SB 63

63cta

On page 1, line 1, of the printed bill, delete everything after "An Act to" and insert "provide for the establishment of a pilot charter school in South Dakota if the Department of Education receives a federal grant to fund it.".

Moved by: Gray
Second by: Jerstad
Action: Prevailed by voice vote.

HB 1022: revise certain statutes to reflect the current organizational structure of the Department of Education.

Presented by: Melody Schopp, Department of Education

MOTION: DO PASS HB 1022

Moved by: Jerstad

Second by: Nesselhuf

Action: Prevailed by roll call vote. (5-0-2-0)

Voting Yes: Gray, Jerstad, Olson (Russell), Peterson, Garnos

Excused: Knudson, Nesselhuf

MOTION: PLACE HB 1022 ON CONSENT CALENDAR

Moved by: Gray

Second by: Jerstad

Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Gray, Jerstad, Knudson, Olson (Russell), Peterson, Garnos

Excused: Nesselhuf

HB 1023: revise certain requirements regarding make up time for school districts.

Presented by: Melody Schopp, Department of Education

MOTION: DO PASS HB 1023

Moved by: Peterson

Second by: Gray

Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Gray, Jerstad, Knudson, Olson (Russell), Peterson, Garnos

Excused: Nesselhuf

MOTION: PLACE HB 1023 ON CONSENT CALENDAR

Moved by: Knudson

Second by: Jerstad

Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Gray

Second by: Olson (Russell)

Action: Prevailed by voice vote.

Cindy Tryon
Committee Secretary

Cooper Garnos, Chair